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By: Patricia K. Parry 2/24/99  
Patricia K. Parry

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Charles H. Moore, et al.

Serial No.: 09/124,623 Examiner: Not yet assigned

Filed: July 29, 1998 Art Unit: 2784

For: HIGH PERFORMANCE, LOW COST MICROPROCESSOR

Assistant Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION OF WILLIS E. HIGGINS, ESQ.**

Sir:

The undersigned, Willis E. Higgins, Esq., does hereby declare and state that:

1. On October 28, 1998 a Declaration for the above-identified application was sent to Mr. Russell H. Fish III to sign and return for filing in response to the Notice to File Missing Parts. The package was delivered on October 29, 1998 by Federal Express.

2. On or about November 1, 1998 Applicants' undersigned representative received a telephone call from Roger Haerr, Esq. regarding the Declaration sent to Mr. Fish in the above application. Mr. Fish had filed suit against Patriot Scientific Corporation, which is located in San Diego, California, in his home state of Texas. The defense of this suit was handled by Mr. Haerr for Patriot. As there were jurisdictional issues involved we were asked by Mr. Haerr to refrain from sending any further correspondence to Mr. Fish until the judge had ruled on the question of jurisdiction.

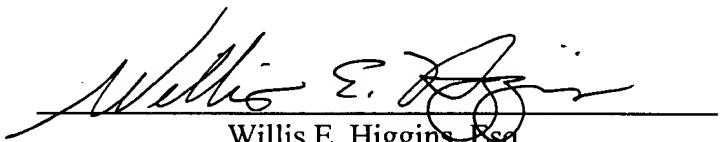
3. On February 18, 1999 Applicants' undersigned representative contacted Mr. Haerr to determine if the Court had ruled on the matter in Texas. Mr. Haerr confirmed that the Court had ruled in favor of Patriot Scientific Corporation and that another action between Patriot and Mr. Fish is now pending in the Superior Court in San Diego, California.

4. Mr. Fish is currently adverse to Patriot Scientific Corporation in the San Diego litigation and refuses to sign the Declaration for the above application or otherwise cooperate with Patriot Scientific Corporation.

### **Declaration**

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: February 23, 1999



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Willis E. Higgins, Esq.